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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 JOHN CHARLES ASMUSSEN, an  
12 individual,

13 Plaintiff,

14 vs.

15 SIMON PROPERTY GROUP, INC., a  
16 foreign corporation; DOES I through X;  
17 and ROE CORPORATIONS I through X,  
inclusive,

18 Defendants.

CASE NO.: 2:18-cv-01252-JCM-PAL  
SECOND JOINT STATUS REPORT

19 Pursuant to this Court's Order of March 28, 2019 (Doc. #29), Plaintiff JOHN  
20 CHARLES ASMUSSEN (hereinafter "Plaintiff") and Defendant SIMON PROPERTY  
21 GROUP, INC. (hereinafter "Defendant"), by and through their respective counsel of record,  
22 hereby submit this Joint Status Report.

23 I. STATUS OF THIS ACTION

24 This action arises from a trip and fall accident that occurred on April 12, 2017.  
25 Plaintiff alleges that while on Defendant's premises, he tripped on a planter and fell,  
26 allegedly sustaining injuries as a result. Plaintiff has brought causes of action for: (1)  
27 Negligence; and (2) Negligent Hiring, Training, and/or Supervision.

28 On June 15, 2018, Plaintiff commenced this action in the Eighth Judicial District

1 Court, Clark County, State of Nevada, captioned *John Charles Asmussen v. Simon*  
 2 *Property Group, Inc., a foreign corporation*. A copy of the Complaint and the Summons  
 3 were attached as exhibits to Defendant's Petition for Removal (Doc. #1), filed on July 9,  
 4 2018. Defendant filed its Statement Regarding Removed Action (Doc. #5) on July 24, 2018.  
 5 An FRCP 26(f) conference occurred on August 24, 2018 at 9:00 a.m.

6 In the time since the previous Joint Status report, the parties resolved this matter via  
 7 settlement. The parties submitted a Stipulation to vacate the current trial setting which was  
 8 executed as an Order on February 7, 2019 (Doc. #27). While preparing the settlement  
 9 documentation, Plaintiff filed a Notice of Bankruptcy (Doc. #28). On April 16, 2019, a Final  
 10 Decree was filed in Plaintiff's Chapter 7 bankruptcy matter, thereby terminating the Plaintiff's  
 11 bankruptcy matter. See Case No. 18-17492-abl (Doc. #27).

12 Defendant's counsel has submitted a proposed Settlement Agreement and Release  
 13 and is awaiting correspondence from Plaintiff's counsel regarding the amount of Plaintiff's  
 14 Medicare Lien so that a settlement check can be issued to Plaintiff. The parties are hopeful  
 15 to submit a Stipulation and Order to dismiss this matter within 30 days of filing this Joint  
 16 Status Report.

17 No other motions or matters are pending before this Court.

## 18 II. ACTION REQUIRED TO BE TAKEN BY THIS COURT

19 There are no actions required to be taken by this Court at this time.

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1           III.     ATTACHMENTS

2           There are no motions, responses, replies, prior court orders, or other matters  
3 requiring this Court's attention which have not previously been filed and that are not  
4 available on the civil docket.

5 DATED this 25<sup>th</sup> day of April, 2019.

DATED this 25<sup>th</sup> day of April, 2019.

6 LEWIS BRISBOIS BISGAARD &  
7 SMITH LLP

MAIER GUTIERREZ & ASSOCIATES

8 /s/ Stephanie Garabedian  
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*Attorney for Plaintiff*

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15           **IT IS ORDERED** that the parties shall have until June 7, 2019, to either file a  
16 stipulation to dismiss with prejudice, or a joint status report advising when the stipulation  
17 to dismiss will be filed.

18           Dated: April 26, 2019

Peggy A. Leen  
19 Peggy A. Leen  
20 United States Magistrate Judge  
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 25<sup>th</sup> day of April, 2019, I did cause a true and correct copy of **SECOND JOINT STATUS REPORT**, to be served by electronically filing with the Clerk of the Court using the CM/ECF electronic filing system and by placing a copy in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

Joseph A. Gutierrez, Esq.  
Stephen G. Clough, Esq.  
MAIER GUTIERREZ & ASSOCIATES  
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Las Vegas, Nevada 89148  
*Attorney for Plaintiff*

By /s/ Abigail Prince  
An Employee of  
LEWIS BRISBOIS BISGAARD & SMITH LLP